

IN CHAMBERS OF
ON STANDING JUDGE

JUN 23 1997

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TIME WARNER CABLE OF NEW YORK CITY

Plaintiff,

- against -

CONSTANTINE SIMON, et al.,

Defendants.
-----X

TIME A.M.
P.M.
CV-97-2658 (SJ)

PARTIAL CONSENT
JUDGMENT AND ORDER

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

★ JUL 2 1997 ★

P.M.

TIME A.M.

WHEREAS, plaintiff Time Warner Cable of New York City
("TWCNYC" or plaintiff) having instituted this action
against defendant Joseph Lanzarone ("Lanzarone" or the
defendant) under the Communications Act of 1934, as amended,
Title 47, U.S.C. sections 553(a)(1) and 605(a) and other New
York statutory and common law remedies, alleging defendant's
interception, reception and display of plaintiff's cable
programming services without plaintiff's authorization by
use of unauthorized converter-decoders allegedly purchased
by defendant Lanzarone from United Mail Order Services; and,

WHEREAS, defendant, without making any admissions to
plaintiff's allegation and denying those allegations, does
hereby wish to resolve plaintiff's claims under this
Stipulation and Order, and there being no reason why a
Partial Consent Judgment and Order between only plaintiff
and defendant Lanzarone should not enter, it is hereby,

ORDERED, ADJUDGED AND DECREED that plaintiff shall
recover the sum of \$2,000.00 by a certified or bank check or
money orders made payable to "Time Warner Cable of New York

City," plaintiff's receipt of which is hereby acknowledged; and, it is further,

ORDERED, ADJUDGED AND DECREED that defendant Joseph Lanzarone, any of his servants, employees, agents, persons acting in concert with him or acting on his behalf are hereby permanently enjoined and restrained from engaging in the unauthorized reception and interception, whether by air or cable, of plaintiff's programming, signals or services, or in aiding and abetting any such acts, and are hereby permanently enjoined and restrained from connecting to, attaching, splicing into, tampering with or in any way using the cable wiring of plaintiff without plaintiff's authorization, and are hereby permanently enjoined and restrained from manufacturing, selling, purchasing, obtaining, using, or possessing any device or equipment capable of unscrambling, intercepting, receiving, decoding, transmitting, providing, or making available all or part of plaintiff's programming or services (whether transmitted by air or cable) without plaintiff's express authorization; and, it is further,


ORDERED, ADJUDGED AND DECREED that jurisdiction is hereby retained by this Court for the purpose of enabling any of the parties to apply to this Court for the purposes of modification and enforcement-of compliance with the foregoing Consent Injunction, for the punishment of any

violations thereof and for an application for a default judgment in the event required; and, it is further,

STIPULATED AND AGREED that defendant, without making any admissions, hereby transfers to plaintiff all rights in any converter-decoder devices purchased from United Mail Order Sales by defendant and consents that plaintiff may take any action it deems fit against such devices, including destroying said devices; and, it is

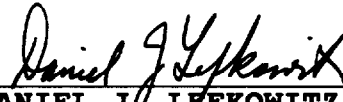
ORDERED, ADJUDGED AND DECREED that any and all claims alleged between TWCNYC and defendant Lanzarone and members of his household under this action are hereby mutually released and discontinued with prejudice, with each party bearing its own respective costs and subject to the continuing jurisdiction of this Court over the consent injunction. This Order may be filed without further notice.

JOSEPH LANZARONE



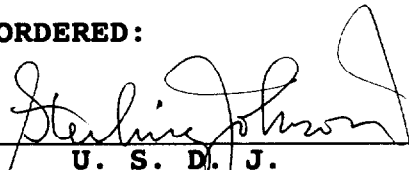
Mr. Joseph Lanzarone
63-27 Douglaston Parkway
Douglaston, N.Y. 11375

DANIEL J. LEFKOWITZ, ESQ., P.C.
Attorneys for the Plaintiff

By: 

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SO ORDERED:



U. S. D. J.
Dated: Brooklyn, New York
June 23, 1997